

Chemetco Superfund Site Information Session for Recipients of General Notice Letters

December 20, 2011
Chicago, Illinois

Michelle Kerr
Remedial Project Manager

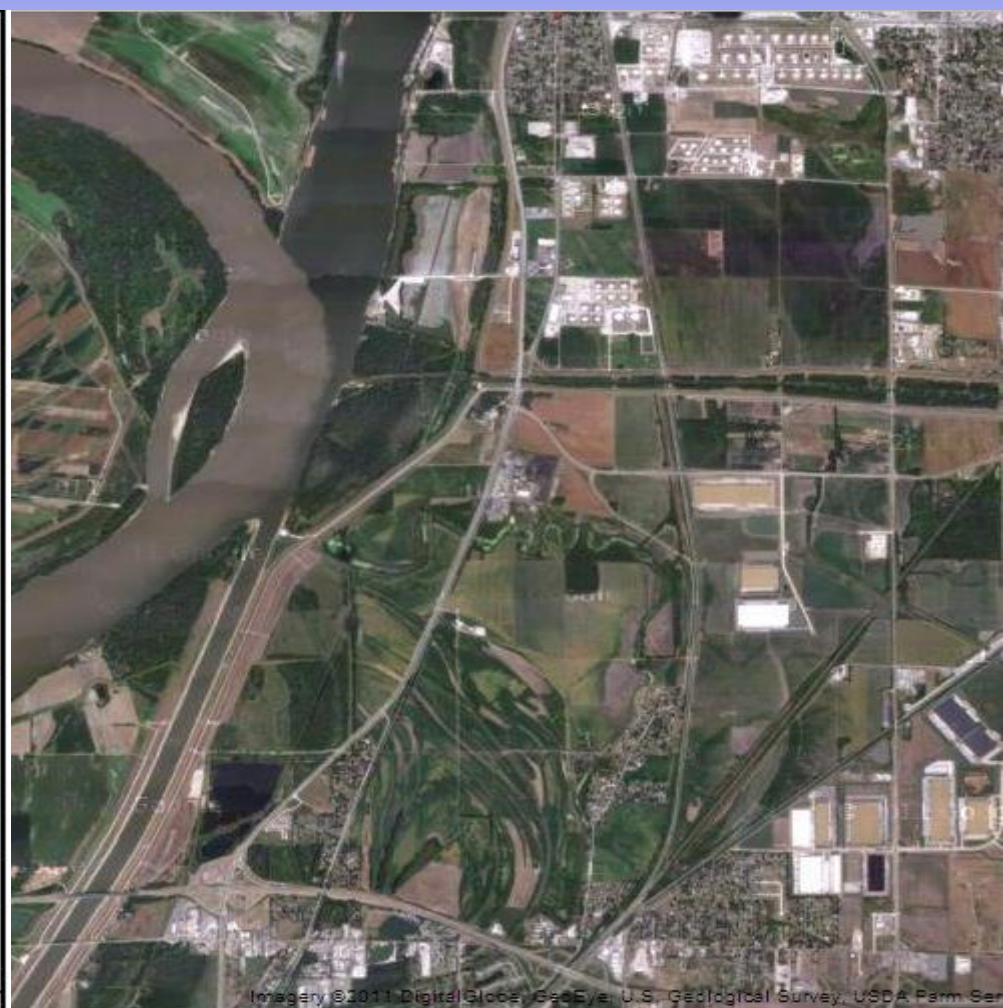
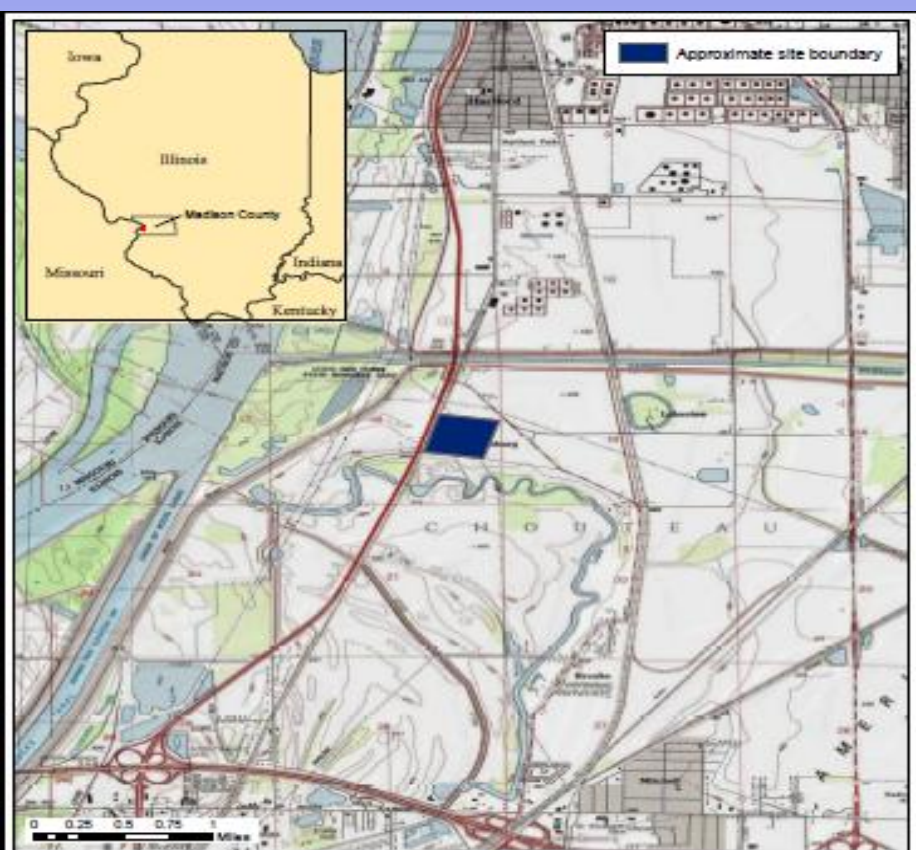


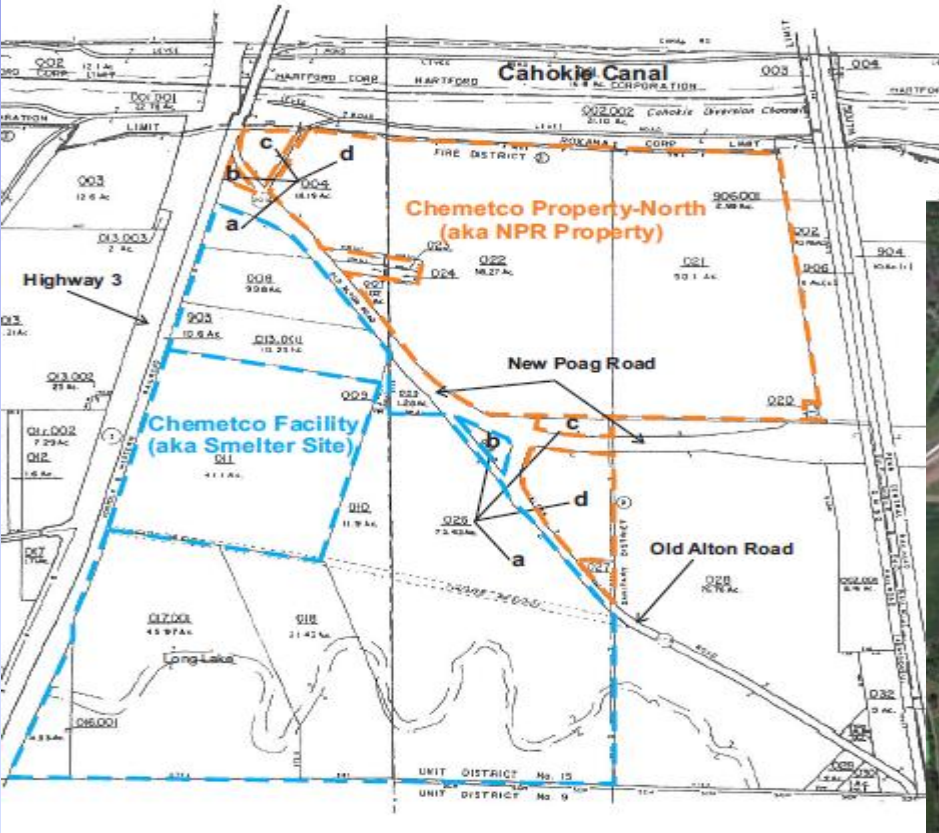
Outline

- Site history and background
- What is a General Notice Letter?
- Why did I get a General Notice Letter?
- What Now?
- Discussion

Acronyms

AOC	Administrative Order on Consent
CAA	Clean Air Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CWA	Clean Water Act
EPA	U.S. Environmental Protection Agency
Estate	Bankruptcy Estate of Chemetco
FS	Feasibility Study
HWMU	Hazardous Waste Management Unit
IEPA	Illinois Environmental Protection Agency
Pb	Lead
PRP	Potentially Responsible Party
RCRA	Resource Conservation and Recovery Act
RI	Remedial Investigation
SREA	Superfund Recycling Equity Act
ZnO	Zinc Oxide





Estate = 40 + 230 acres



Smelter site on the
National Priorities List

Site Background

- Operation
 - Secondary copper smelter
 - Produced copper cathodes, anodes, and lead solder
 - Waste = slag, ZnO, baghouse dust, spent refractory brick
 - Process











Process



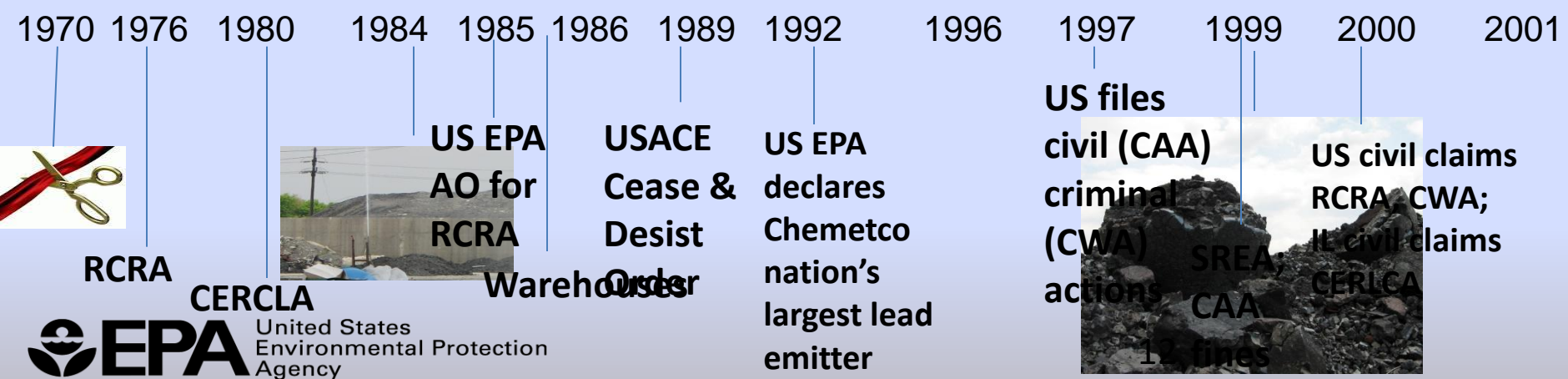
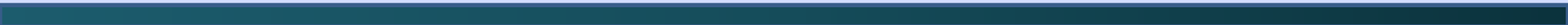
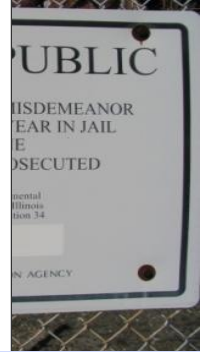
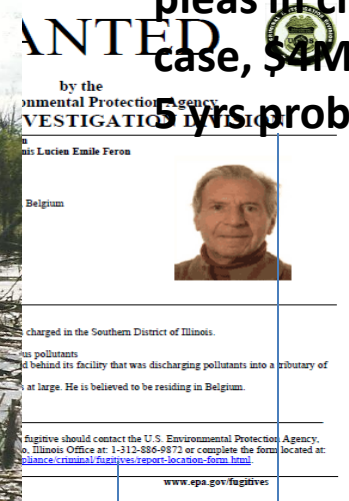
Site History

RCRA permit applications, denials, to 1981

Felony guilty pleas in criminal case, \$4M fine + 5 yrs probation



SID system



Site History

Notice of Violations documented by ILEPA :

- Illinois Administrative Code Part 265 (**protection of underground utilities**)

1981

1982

- **Groundwater quality** standards (IAC Part 302)

1982

1983

- Illinois Pollution Control Board **effluent standards**

1982

1983

Site History

Notice of Violations documented by IEPA or US EPA :

- IL Administrative Code Part 725 (**Interim status**)

1982

1983

- **NPDES permit**

1982

1983

- Primary IEPA **air emissions** standard for Pb

1997

2000

1998

2001

1999

- **RCRA** Notice of Violations

1985

2000

- **CWA** Violations

1996 (Notice of)

1999

- **CAA** Notice of Violations

1992

1999

Today

CERCLA

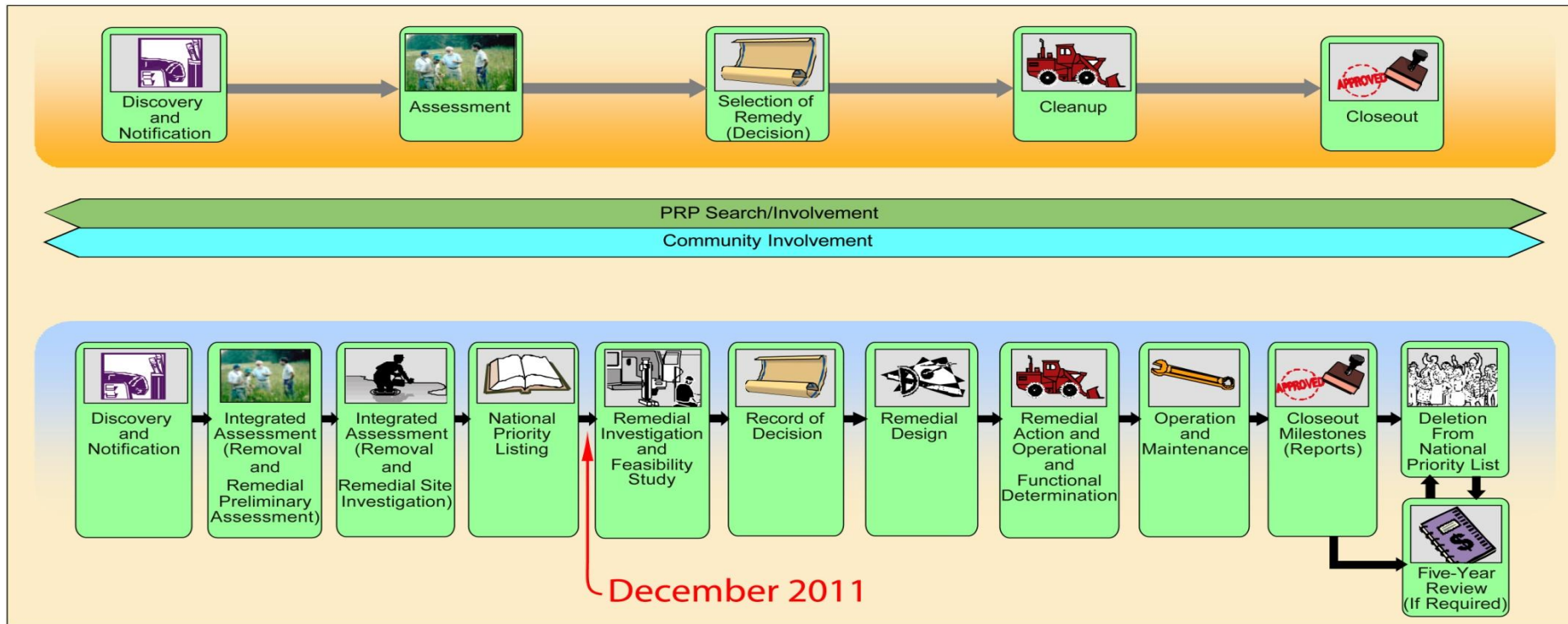
Comprehensive Environmental Response,
Compensation, and Liability Act

42 U.S.C 9601

What are CERCLA Liabilities?

- CERCLA 107(a) imposes strict liability on Potentially Responsible Parties (PRPs)
 - Current Owners and Operators
 - Former Owners and Operators
 - Generators/Suppliers and Arrangers
 - Transporters
- CERCLA 122(g) addresses *de minimis* party settlements
- Superfund Recycling Equity Act (SREA), Section 127 of CERCLA, 42 U.S.C. 9627

Where is Chemetco in CERCLA Remedial Process?



What is a General Notice Letter?

- Informs Potentially Responsible Parties (PRPs) of their potential liability for past and future response costs
 - Notifies of potential liability under 106 and 107(a)
 - Provides information to support the PRP determination
 - Provides information regarding work performed by EPA, planned response measures, and deadline for PRP response
 - Identifies other PRPs

Why Did I Get a General Notice Letter?

- PRP search identified
 - Former Owners/Operators
 - Transporters/Arrangers
 - Suppliers/Generators

We want to investigate the site and move forward to address site risks.

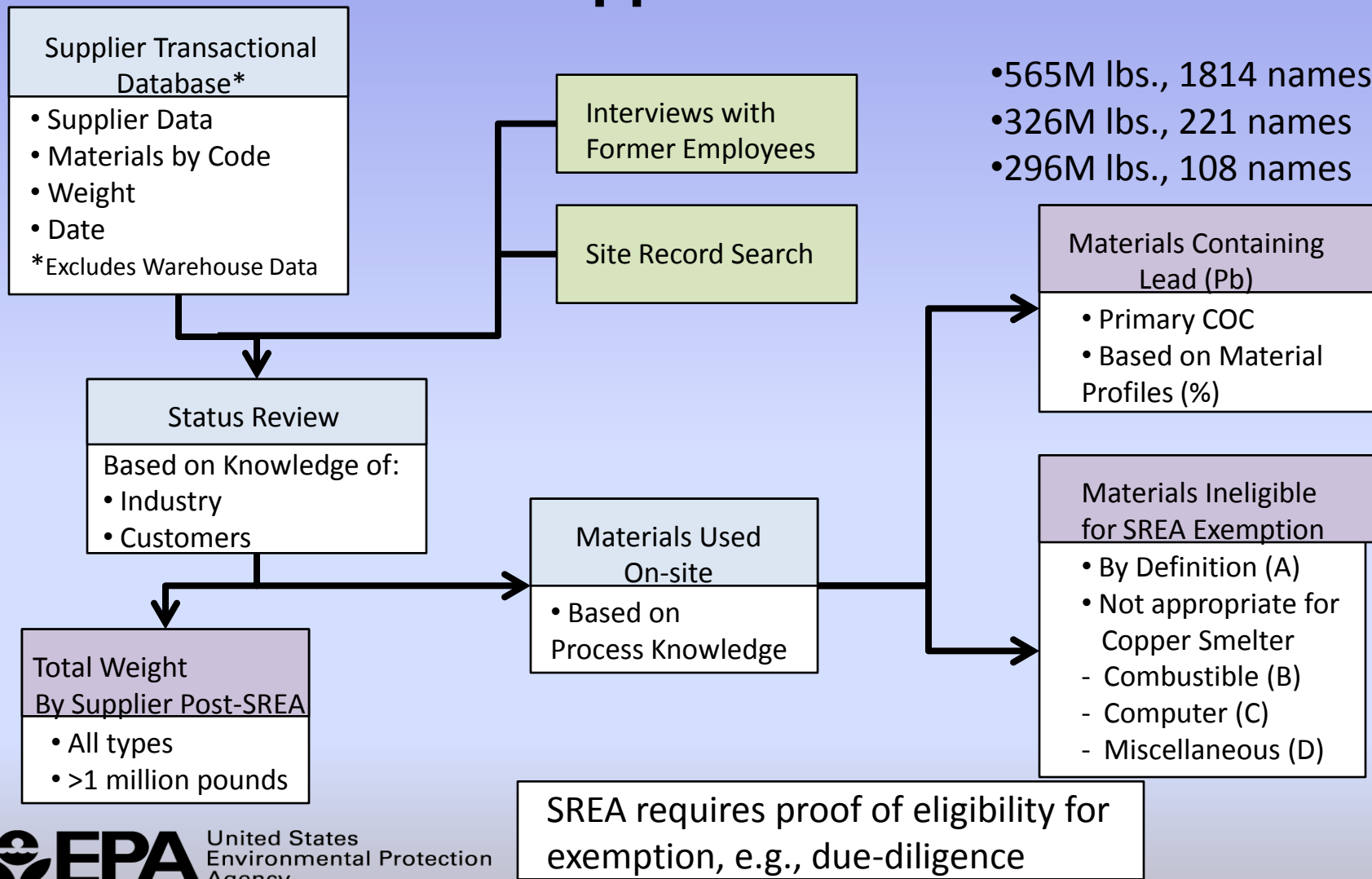
How Were PRPs Identified?

- Data sources:
 - Archived Chemetco transactional data
 - Site record search
 - Court records
 - Interviews with former Chemetco employees

How Were Transporter and Owner/Operator PRPs Evaluated?

- Occurrence in site records, court records
- Verified during interviews with former Chemetco employees

How Were Supplier PRPs Evaluated?



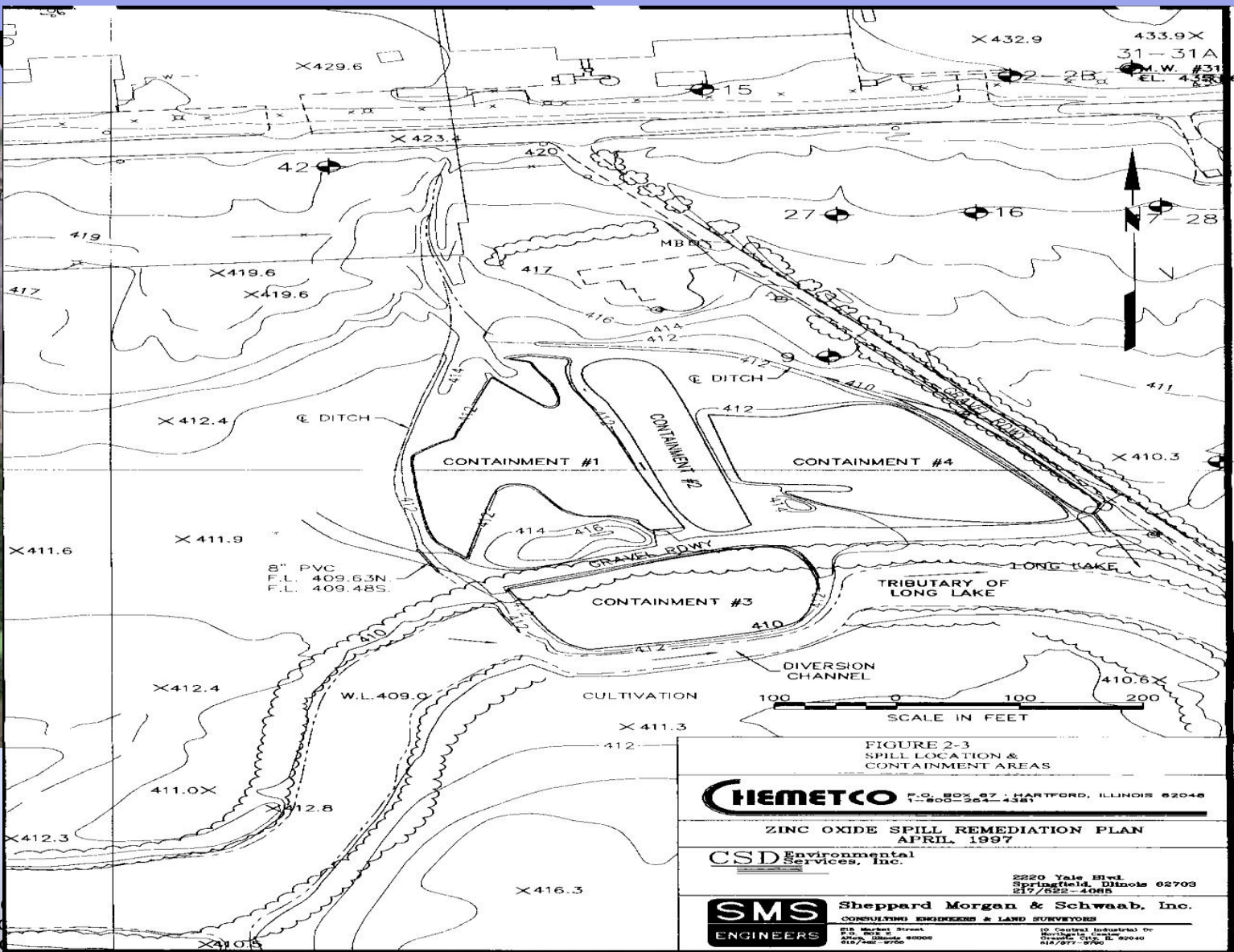
What Now?

- We reach a written agreement to conduct a Remedial Investigation and Feasibility Study (RI/FS)
- The purpose of an RI/FS is to determine the **nature and extent** of contamination at a site.

Current Conditions: Sources

- 837,000 tons slag
- 35,000 tons ZnO sludge bunker
- ≥ 70 tons refractory brick

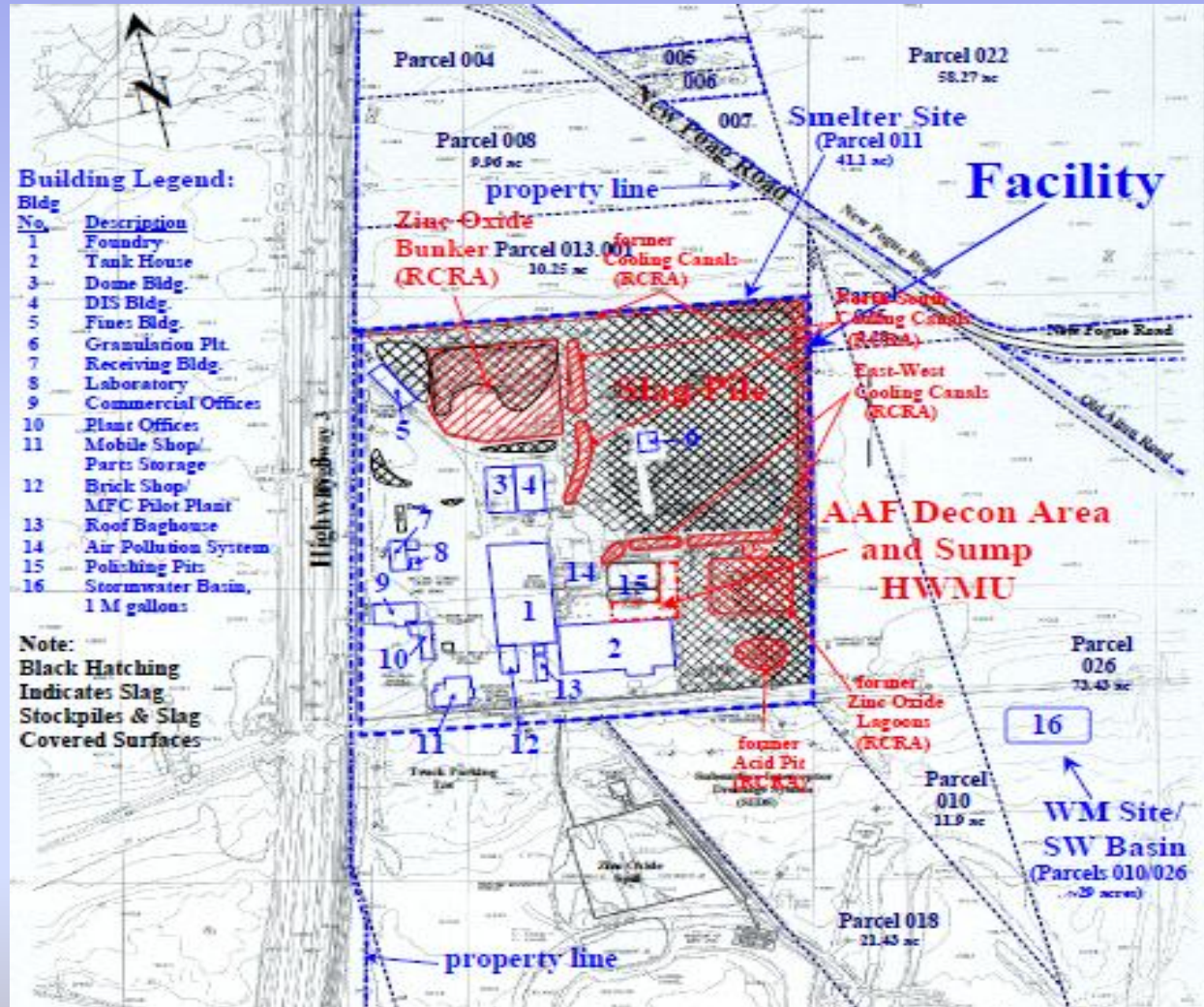




Current Conditions: Sources



Current Conditions: Sources



•Hazardous
Waste
Management
Units









Current Conditions

What Has Already Been Done

Characterization

- 2001-2009 Estate Environmental Information
- 2002, 2008 Preliminary Assessment/Site Inspection by IEPA
- 2011 Remedial Investigation Scoping

Addressing Site Risks

- 1997 ZnO Discharge Consolidation
- 2001-2011+ Estate Asset Liquidation
- 2010 Estate Security
- 2011 Estate Demolition

Current Conditions

Geology / Hydrology / Ecology

- Limestone bedrock, layers of sand and clay with interbedded lenses of sand and silt
- American Bottoms characterized in several site documents (floodplains)
- Upper and Lower Regional, Perched Aquifers
 - Existing monitoring well network
 - Drinking water wells identified
- Unincorporated Madison County
- Designated wetlands





U.S. Fish and Wildlife Service National Wetlands Inventory

Designated Wetlands Near Chemetco Site

Dec 17, 2011



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

Status

- Digital
- Scan
- Non-Digital
- No Data

This map is for general reference only. The U.S. Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Current Conditions



35



Background



Water samples

Current Conditions



36



Background



Soil samples

Current Conditions



37



Background



Sediment samples

What is Required of a Remedial Investigation and Feasibility Study

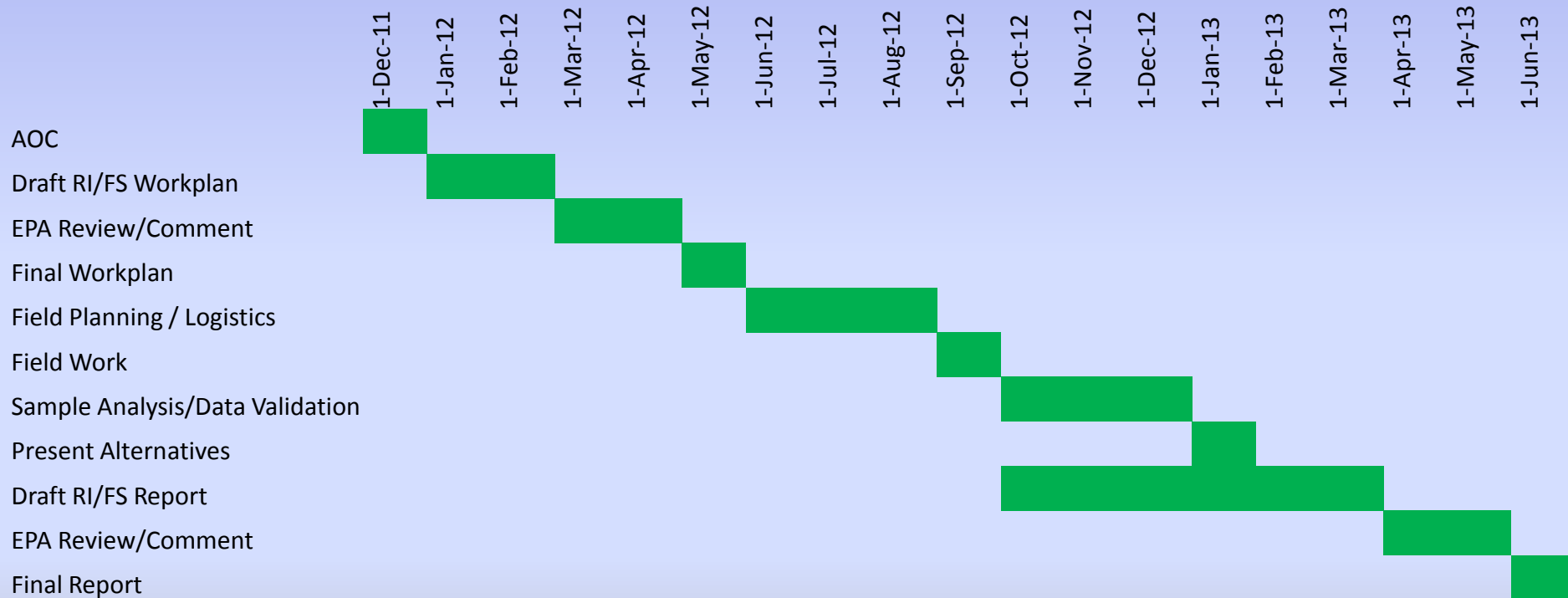
- Characterization
 - Sampling plan
 - Site background
 - Data gaps
 - Waste characterization
 - Hydrogeologic investigation
 - Soils and sediments investigation
 - Surface water investigation
 - Air investigation
 - Ecological assessment
 - Pilot tests
 - Health & safety plan
 - Schedule
- RI/FS report

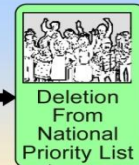
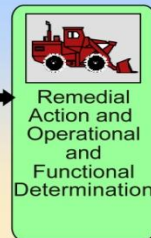
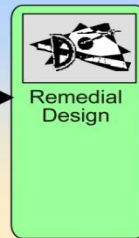
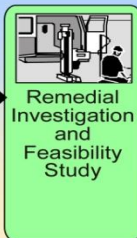
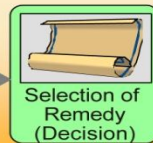
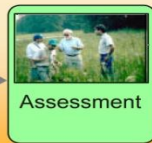
What is Required of an RI/FS

- Remedial Investigation/Feasibility Study Report
 - Executive summary
 - Site characterization (+ risk assessment)
 - Groundwater fate and transport
 - Identification of remedial action objectives
 - Identification and analysis of remedial action alternatives
 - Detailed analysis of alternatives using 9 criteria
 - Comparative analysis of remedial action alternatives

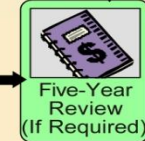
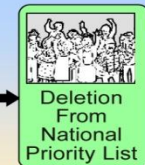
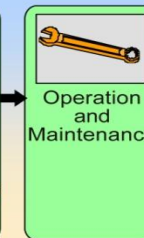
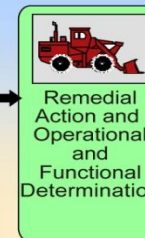
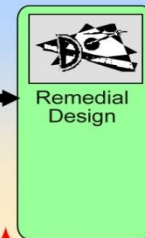
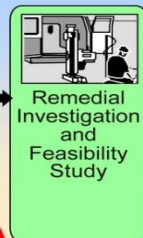
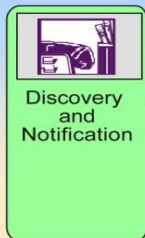
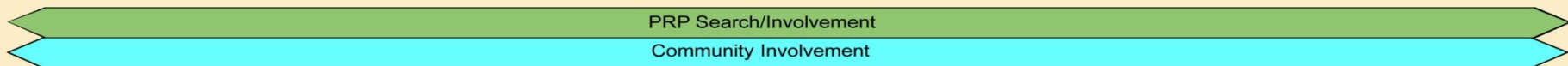
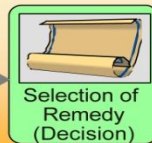
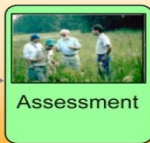
What is Required of an RI/FS

Example Schedule



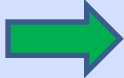


Proposed plan, public comments



Notices, opportunities for settlement

Administrative Order on Consent

- Target agreement: April 1, 2012
- Model AOC and Statement of Work for the RI/FS can be provided early in 2012
 - Perform work  covenant not to sue, contribution protection
- Group, Representatives

Discussion

- De minimis guidance

http://cfpub.epa.gov/compliance/resources/policies/cleanup/superfund/index.cfm?action=3&sub_id=26

- Letter
- For a DVD, cmoeller@techlawinc.com with subject “Chemetco DVD” by close of business Wednesday, **December 21, 2011**.

Demolition Before & After



Demolition Before & After



Demolition Before & After

47



Demolition Before & After



Image Credits

- www.dawsontimes.com (image)
- www.wikipedia.org Whim Creek Copper Mine (image)
- Selected photo credits: Chris Cahnovsky, Tammy Mitchell, Bryan Stone, Steve Poplawski